



**City Council
Regular Meeting
Tuesday, April 18, 2006
7:00 P.M.**

The regularly scheduled meeting of the Trinity City Council was held on Tuesday, April 18 2006 at the Trinity Memorial United Methodist Church.

MEMBERS PRESENT: Mayor Frances Andrews, Council members Karen Bridges, Phil Brown, Barbara Ewings, Bob Labonte, Dwight Meredith, Edith Reddick, and Miles Talbert.

MEMBERS ABSENT: Barry Lambeth

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Administrator, Adam Stumb; City Clerk/FO, Debbie Hinson; City Engineer Randy McNeill; Members of the Press; and other interested parties.

ITEM 1. CALL TO ORDER

Mayor Andrews called the April 18, 2006 Regular Meeting of the Trinity City Council to order at 7:00 pm.

Pledge of Allegiance

Mayor Andrews led the Pledge of Allegiance.

Invocation

The invocation was given by Council member Reddick.

Welcome Guest and Visitors

Mayor Andrews welcomed and thanked all persons in attendance and for their interest in the City.

ITEM 2. REVIEW AND APPROVAL OF MINUTES

- 1. March 14, 2006 Pre-Agenda Meeting**
- 2. March 21, 2006 Regular City Council Meeting**

Mayor Andrews opened this item and advised Council members that these minutes could be considered and one motion made for all minutes.

Motion by Council member Reddick to approve the March 14, 2006 and March 21, 2006 Minutes as written, seconded by Council member Bridges and approved unanimously by all Council members present.

Public Concerns and Commendations

Mayor Andrews opened the floor for Public Concerns and Commendations.

Dean Spinks: Mr. Spinks discussed the City of Vision, how it originated and what the Steering Committee tried to do to get public input when formed in 1995. He discussed conversations with citizens about why to incorporate and what they felt the vision of the city should be. After discussion and thought we advised those that ask that our vision was to be a green, and pleasant city with a little bit of industry, but would remain mostly residential and a good place to raise your family. Mr. Spinks discussed the Zoning Ordinances, Watershed Ordinances and other items that developed and put in to place as a result of those comments by the Interim Council in an effort to foster our vision. We did not think that we should build the most houses that we could possibly get on our land or that we needed to develop as fast as we could when sewer became available. Sewer was always our number one goal. Beyond this we wanted to preserve Trinity as the city it has always been. Trinity is not like Cary and the new communities that some

of you visited recently. Trinity is unique now and has always been. Our 200 year history indicates that we have always been a different kind of community. We recognized that difference the need to preserve that difference for the citizens of this community. He discussed the growth factor that was discussed prior to and after incorporation. Our thoughts were approximately 25,000 to 30,000 citizens in 30 to 35 years. Our population now is approximately 7,000. He discussed the amount of undeveloped areas of property located in the city that amounted to approximately 11,000+ acres. Less than ½ is developed at this time. That means we have approximately 6,000 acres that is undeveloped.

Mr. Spinks concluded his comments by reiterating the Vision of Trinity which was one of green spaces, pleasant place to live, and a great place to raise your children.

Opening Comments from Members of Council

None

Proclamations

ITEM 3. Municipal Clerks Week (April 30 – May 6, 2006)

After Mayor Andrews opened this item, Manager Bailie read the Proclamation for Clerks Week in honor of all Clerks for the week of April 30, 2006 through May 06, 2006.

Reports/Funding Request

ITEM 4. Report and funding request for Piedmont Triad Partnership (Don Kirkman, President & CEO)

Mayor Andrews opened this item and turned the discussion over to Manager Bailie who introduced Mr. Don Kirkman, President and CEO for the Piedmont Triad Partnership.

Mr. Kirkman defined the Regional Economic Development Organization as one that marketed the 12 county Piedmont Triad Regions to attract jobs and investment in the Piedmont Triad. This organization is a 501 C3 non-profit charitable organization whose goals are to try to improve the prosperity of our region and the lives of the people who live here.

Mr. Kirkman advised Council the Piedmont Triad Region was recently selected by the United States Department of Labor as one of 13 regions across the county to receive a very substantial federal grant to create a national demonstration project for an integrated economic development, workforce development education and entrepreneurship initiative. This is an opportunity to elevate the Piedmont Triad Region among the nation's elite in developing a progressive program of work that integrates education and workforce development into our economic development strategy.

There was discussion from Council concerning amounts given to this organization last year. After discussion, *Council member Talbert made a motion to contribute \$500.00 to this organization, seconded by Council member Ewings and approved unanimously by all Council members present.*

ITEM 5. Wastewater Projects Update (Randy McNeill, Davis-Martin-Powell & Assoc.)

Mayor Andrews opened this item and turned discussion over to Mr. McNeill who reviewed the monthly progress and schedule report with Council members.

Public Hearings*

ITEM 6. Special Use Request #SPU06-01, for a fire station (Fair Grove) at Welborn Rd. further identified as Randolph County tax parcel 6797501259. Property is owned by Fair Grove Fire Department.

Mayor Andrews opened this item and instructed persons wishing to speak for or against this item be sworn in by the clerk prior to speaking.

After being sworn, Mr. Stumb advised Council this was a request of the Fair Grove Fire Department to construct a Fire Station near Welborn and Shadydale Acres Road. The right of way that runs along the fire station's property will be utilized for an entrance into their fire station. Mr. Stumb advised Council the majority of the property north of Welborn Road was undeveloped, south, east and west properties are residentially developed. Mr. Stumb reviewed the Site Design Requirements stated in our Ordinance for a fire station and advised Council that the site plan presented met the requirements. Mr. Stumb advised Council that an additional condition had been discussed with both Fair

Grove and Guil-Rand Fire departments. Because both of these stations are located in residential areas we have asked that they include some lower intensity lighting and show that the lighting would not be shining on adjoining property owners. Mr. Stumb advised Council that it was the applicant's responsibility to meet the Site Design Requirements as well as the 4 findings of fact as listed in the information provided in their packet.

Speaking for the proposal

Randy Hoosier: Mr. Hoosier advised Council that Chief Rudisill would not be able to attend the meeting tonight and asked me to read a statement. The statement discussed the need for fire protection in the Trinity area due to the growing population along Finch Farm Road and NC Highway 62. Also discussed was the 3 year search that lead to this property being chosen as the site for the Fair Grove Station because it best suits the fire department's needs as well as those of the citizens of Trinity. This site will allow easy access to Finch Farm Road, Interstate 85, and NC Highway 62. Our response time will be cut in half since 54% of our calls come from this area. The proposed station will be pleasing to the neighborhood and will be buffered to promote peacefulness.

Ronnie Sink: Mr. Sink advised Council the design of the station took into consideration the specifics for this type of service. Mr. Sink discussed the plan and items shown on plans. He advised Council the condition for the proposed low intensity lighting directed away from residential areas had been incorporated into the conditions.

Speaking against the request: None

Staff Recommendation: Staff feels that Fair Grove Fire Department and their site plan have met the full requirements of the Ordinance and the specifics of the Site Design Requirements. Staff and the Planning/Zoning Board recommend approval based on the findings of fact.

Motion by Council member Talbert to approve the Zoning Request, seconded by Council member Bridges and approved unanimously by all Council members present.

ITEM 6A. Special Intensity Allocation request (no public hearing)

Mayor Andrews opened this item and turned the discussion over to Mr. Stumb for review.

Mr. Stumb discussed the 24% built upon area limitation on all development within the City of Trinity due to the city's location in the Lake Reese Watershed. The state allows cities and counties the option to allow up to 70% built upon area. The Fair Grove Fire Department is requesting up to 35% or 15,000 square feet to build their facility on Welborn Road. Mr. Stumb advised Council members that the Special Intensity Allocation Request has a 2 year time limit for use from the date of approval.

Motion to approve the Special Intensity Allocation Request by Council member Talbert seconded by Council member Bridges and approved unanimously.

ITEM 7. Special Use Request #SPU06-02, for a fire station (Guil-Rand) at Welborn Rd further identified as Randolph County tax parcel 7707100761. The property is owned by Randolph County.

Mayor Andrews opened this item and turned the discussion over to Mr. Stumb.

Mr. Stumb advised Council this was the same request as Item 6 except for a different station (Guil-Rand Fire Department) for property located next to Hopewell School. Mr. Stumb discussed design for approval for this station advising Council that there will be a similar driveway to allow easy entrance and exit. Guil-Rand is interested in incorporating a helicopter pad at this site in the future that would be strictly for emergency purposes such as accidents. However, the helicopter pad is not part of this request. The same site requirements apply for both fire departments for parking and buffering and the same concerns against lighting for the Guil-Rand Station to keep lighting away from residential properties. The same standards apply and the Site Plan meets the Ordinance and follows the Land Use Plan.

Speaking for the request:

Brian Cox, Guil-Rand Fire Department: Mr. Cox advised Council that he was seeking approval for a fire station located at 6258 Welborn Road that was designed in preparation for the future growth of Trinity. We have worked with Darr Construction and Robin's Architecture we have made sure that all regulations and standards set forth by the City have been met. This fire station will be all brick. It is designed with 5 bedrooms and could house up to 15 personnel if needed at any given time. The bay area is designed to hold 6 pieces of apparatus. Mr. Cox advised Council this station was needed to reduce response time within our fire district, will help the citizens maintain the

same insurance rating they are accustomed to, and hopefully will help Guil-Rand to receive a lower insurance grade within the Trinity City Limits. This will help the City to attract more businesses that will generate more revenue for the City.

The location of the Fire Station fits into the Department of Insurance suggestion for where this station needs to be located. By building this new fire station we have been able to work out an agreement with the County Commissioners to house and ambulance 24 hours per day, 7 days per week. This will also be a great benefit for the residents.

John Cable: Mr. Cable discussed the work that had taken place on this project and the increased security that it would bring to the area by having patrol officers and sheriff deputy's located on site. The building will go with the décor and will be aesthetically pleasing. This will be our 5th station. We have already purchased our 6th station due to growth in Archdale. Mr. Cable asked that Council approve this request tonight so that the project could get started.

Speaking against: None

Staff Recommendation: Staff feels that Guil-Rand meets Site Specific requirements for a fire station and the 4 requirements of the Standards of Approval. The Planning/Zoning Board and staff recommend approval of this request.

Motion to approve the request by Council member Reddick seconded by Council member Ewings and approved unanimously by all Council members present.

ITEM 7-A Special Intensity Allocation request (no public hearing)

Mayor Andrews opened this item and turned the discussion over to Mr. Stumb for review.

As discussed earlier when development exceeds 24% built upon area the applicants must make request for additional allocation for their development. Guil-Rand has requested up to 58% or 50,000 square feet for their property. Mr. Stumb advised Council members that the Special Intensity Allocation Request has a 2 year time limit for use from the date of approval.

Staff Recommendation: Staff and Planning Board recommend approval of the Special Intensity Allocation.

Motion to approve the request for Special Intensity Allocation by Council member Talbert, seconded by Council member Brown, and approved unanimously by all Council members present.

ITEM 8. Amendments to the Zoning, Watershed and Subdivision Ordinances to increase the density of the Residential Mixed Zoning District, to allow the high density option for development in the watershed, to increase the required open space in the Residential Mixed zoning district and to require sidewalks in new subdivisions zoned R-12 and Residential Mixed and in commercial development zoned HC (Highway Commercial) and CS (Community Shopping).

Mayor Andrews opened this item and asked Mr. Stumb to brief Council members on this item.

Mr. Stumb advised Council these Text Amendment changes includes changes to the Zoning Ordinance, Subdivision Ordinance and the Watershed Ordinance. Mr. Stumb advised Council that some amendments were a part of a specific rezoning request, but needed to be considered separately because if approved, the changes would apply city wide in the RM Zoning District. This means if approved, anyone seeking to rezone a property to RM in the future will have these changes applied to their property.

The RM (Residential Mixed) Zoning District includes single family, apartments, condominiums, townhomes, and other public uses such as schools, and fire stations.

The changes for this zoning are as follows:

1. To allow 3 single family units per acre in the RM Zoning District. This is a change from the current 2 units per acre or minimum lot size of 20,000 SF.
2. Trinity has an R-12 Zoning District that is very similar to the density proposed RM Zoning District. An Open Space Requirement of 1/60 of an acre per unit is required with R-12 Zoning. When considering this request the Planning/Zoning Board felt because of the similarity between the proposed RM District and the R-12 District, that the open space requirement of 1/135 acre per unit should be changed to 1/60 of an acre per unit equal to that of the R-12 Zoning District.

3. The next change reviewed was to allow sidewalks in all residential developments. The Planning/Zoning Board recommends that sidewalks be allowed in all developments. However, once a certain density is reached (3 units per acre) the Board recommends that sidewalks be required on both sides of the street in a subdivision. Again this would include the R-12 and the proposed RM Zoning District. They also felt it was crucial to have sidewalks along major Thoroughfares in Highway Commercial Districts and Community Shopping Districts.
4. The 24% rule currently in the Watershed Ordinance remains the same. The proposed change to the Watershed Ordinance will allow a High Density Option for development. It allows any development to exceed the 24% rule. However, to meet the requirements for this type of development the developer must meet extra requirements that address stormwater runoff. The biggest requirement in residential development will be storm drainage ponds as a part of that development. The developer must control the first one (1) inch of runoff in their development which will require ponds. This is very similar to the requirements that the City will encounter with the Phase 2 Stormwater requirements. The High Density Option allows up to 50% built upon area but is not a guaranteed option. The High Density Option is not a part of the original request for rezoning. At the time the developer submits a preliminary plat they must also make the request for the High Density Option and illustrate how they plan to control the stormwater runoff on the plat. The Planning/Zoning Board will consider the request for the High Density Option during the approval process for the plat prior to being submitted to Council for final review.

There was a brief discussion between Mr. Stumb and Council members concerning the 25% limit on Multi-Family development. Mr. Stumb advised Council members that the proposed RM District does allow up to 25% of the project area for Multi-Family Development and can include apartments, condominiums, and townhomes with a Special Use Permit. The 25% Rule will insure that a development that includes Multi-Family can have 25% for that purpose. There was also discussion concerning the high density option that allows up to 50% impervious surface areas and how it affects the Watershed as well as the need for retention ponds for all developments of this type. Mr. Stumb advised members that this could apply to all development upon approval by the Planning Board and City Council.

Speaking In Favor of the Text Amendments:

Todd White- 6999 Winners Circle: Mr. White advised Council that he owned a development company that does site work for developers across the state. He discussed the section of the Text Amendments concerning the High Density Option and 3 units per acre in comparison to a development that he was currently involved in at Greensboro that allowed 6 lots per acre. He discussed the projects in the past that he had been involved with that allowed 3 units per acre with open space and it was his opinion that this type of development turned out to be a nice development and appealing for the city. It was his opinion that if money was going to be spent to install sewer inside the city some development should be encouraged as well. Mr. White discussed the sidewalk issues addressed in the amendments and felt that sidewalks on one (1) side of the road was sufficient and to require sidewalks on both sides of the road was only increasing the impervious surface areas. Mr. White stated that he would be in favor of this type of zoning inside the City.

Mel Brooks, 3958 Woodcrest Street: Ms. Brooks discussed the recent move of her neighbors from her area to Breckenridge located in Thomasville that was developed using the high density options and how age played a factor in the care of larger lots and the fact that the City did need some high density development. She also discussed her appointment on the Land Use Committee and the fact this committee has proposed some areas for the higher density development option. She discussed the original goal to have rural areas and agreed that some areas should be left inside the city for this purpose but not throughout the city. It was her opinion that if the high density option was not allowed in some areas of the city the burden of the costs of the sewer project would be passed on to the existing residents through increased taxes. The only objection that Ms. Brooks discussed against the RM Zoning District was the sidewalk requirements. She did not believe that sidewalks were needed on both sides of the street because of the speed limits that were set in a subdivision as well as the increase of impervious surface area and felt that if required they should only be required on one (1) side.

Gary Loflin, 7229 Bridlewood Dr: Mr. Loflin advised Council that he did ask for a Residential Mixed Use District. He advised Council that he had stated in his conditions that only townhomes and condominiums would be built and no apartments would be in his development even though they were allowed in this Zoning District. Mr. Loflin stated that he had no problems with an increase of open space area. He discussed his reason for the desire for higher density and the stipulation that he install lakes and retention ponds. He advised Council that he envisioned 24% of the area being impervious surface with the townhomes. He also discussed how water was considered an impervious surface as well. He advised Council that it was never his vision to develop at 3.6 units per acre. The units per acre change were requested for flexibility only.

Speaking Against the Text Amendments:

Marcia Riddick 7125 Turnpike Road: Ms. Riddick advised Council that she supported the sidewalk text amendments but was opposed to the change in density because of the affect it would have on the future Vision of Trinity as well as personal reasons related to the Collett Farm Rezoning that she would address later. Ms. Riddick was opposed to development of 3 units per acre; however she would support development of 2 houses per acre. Ms. Riddick said that the proposed open space requirement was not enough if the City wanted to keep the Vision of Trinity more rural.

Terry Riddick, 4194 Oak Haven Drive: Mr. Riddick discussed his feelings concerning a conflict that would exist in the Watershed Ordinance if the Text Amendments for the Proposed RM Zoning were passed that allowed 3 units per acre. He referenced Article 300 Section 302 paragraph (a) of the existing Ordinance as well as Article 300 Section 302, (3-a). He asked Council to consider his questions concerning the conflict of the language in the existing Ordinance in comparison to the proposed Text Amendments and asked Council to table this item until such time the conflict he felt existed could be resolved.

Timothy Scott Riddick, 241 Council Ridge Dr, Winston Salem: Mr. Riddick advised Council that he was a property owner in Trinity that adjoined the Collett Farm Project. Mr. Riddick discussed the traditions that exist in the City of Trinity such as barbershops and a place for old friends to meet, the home of the Trinity Bulldogs, and the birth place of Duke University. He discussed his feelings concerning how this development would damage the area citing damage to the river head waters as well as the creeks and the watershed due to a drastic reduction in pervious land to absorb water. He also discussed the increased traffic, and the smog and peak hours of congestion that would result. It was his feelings that the crime rate, fire risk, increased solid waste disposable both yard and trash waste, maintenance of streets, street lights, road right of way, and sidewalks would all contribute negatively to the surrounding area and the City. It was his feeling to make a drastic change in density would bring these problems instantly to the City who currently did not have sufficient law enforcement or fire fighting capabilities to deal with the increase in potential risk that came with higher density development. While growth in Trinity is needed, the right growth path should be taken.

Norbert Smoot, Welborn Road; Mr. Smoot discussed his feeling on development using 1 unit per acre as being good, 2 units per acre was do able, but now we are looking a 3 units per acre. He discussed earlier conversation concerning the developments in Greensboro. It was his feelings that if the City approved these Text Amendments the City of Trinity could be as the City of Greensboro but questioned if that was what Trinity wanted.

Susan Roach, 1368 Colonial Club Drive: Ms. Roach discussed her feelings concerning the development with 3 units per acre and felt this was too high. She discussed the impact this type of development would have on the school systems. She also asked if the EPA had been contacted concerning the amount of solid surface this type of development would bring to the Watershed Area. It was her feelings that development should be done with fewer units per acre and more open space dedication to Open Space because of the Watershed.

Mark Ackerman 6235 Colonial Club Drive: Mr. Ackerman discussed his reasons for moving to the City of Trinity and the fact that he moved here because of the Vision expressed by an earlier administration. At that time this city wanted to be a legitimate bedroom community, not like Greensboro or Winston Salem. We wanted to be a nice country setting that allowed families to raise their children and neighbors to become friends for a long time. We wanted the safety that comes with a relatively low population, but we wanted growth as well to help pay for the sewers and eventually the public services that will come to the City. It was his feelings that this type of change was not fair to the property owners prior to the incorporation of the city, nor to the residents that moved here that looked around and understood what the zoning requirements were for the property surrounding us.

Douglas Riddick, 7125 Turnpike: Mr. Riddick agreed with Mr. Ackerman and felt that 3 units per acre was a drastic change. He discussed the development standards in place (1 unit per acre) through out most of the city when it incorporated. He also discussed the Open Space Requirement of 1/60th per acre and his feelings that this was not adequate. He discussed the environmental purposes of trees (clean air and absorb noise) and the fact that we were adding traffic and smog and reducing the environmental elements (trees & grass) to absorb them. It was his opinion that the city needed to have a purpose in order to develop a Text Amendment for change.

Mark Riddick, 4194 Oak Haven Road: Mr. Riddick advised Council he was here as an observer but did grow up in Trinity and graduated from Trinity High School. He advised Council that he was in the Navy and currently stationed in Northfolk Virginia. He discussed his experience of living in both Trinity and Virginia Beach where he now resided. He discussed how bad growth could cost a city monetarily as he had seen it cost Virginia Beach. It was his opinion that growth was good but unplanned growth and unmanaged growth led to bad things.

With no others speaking, Mayor Andrews called for the staff recommendation.

Staff Recommendation:

Increased Density, Open Space and 25% Limit for MF Development

Mr. Stumb advised Council that both the Planning/Zoning Board and Staff feel that the changes to 3 units per acre and the change for the Open Space to 1/60th unit per acre does fall in line with what was approved in the R12 Zoning District and that the change to limit the Multi-Family to 25% in the RM Zoning District is appropriate.

Sidewalks

Planning/Zoning Board and staff feel that with development at this increased density of 3 units per acre and for commercial districts it is appropriate for sidewalks for safety reasons and to allow persons a different mode of transportation other than vehicles.

Watershed

If the other changes are approved this change will need to be made. With 3 units per acre the built upon area will be close to or exceed 24%. The maximum in our current Watershed Ordinance is 24% and with the high density the option would increase to 50%. The Zoning Districts will dictate the density.

Staff recommends approval of these amendments. The Planning/Zoning Board recommended approval of the Text Amendments by a vote of 5 to 2 with one member absent.

At this time Mayor Andrews closed the Public Hearing and turned this item over to Council for discussion and or action.

Council member Talbert stated that the City was not adding a new Zoning District. Trinity has R-12 Zoning in place and this will not be a new edition to Trinity's Zoning Ordinances. It has already been passed and is a part of the Trinity Zoning Ordinances and allows 3 units per acre.

Council member Bridges discussed her concerns dealing with the Watershed issues. The 50% high density option means that retention ponds can be formed anywhere and will be used to control the runoff that will allow the impervious surface that is desired in these developments. She discussed the maintenance and expense involved in the retention ponds as well how they could serve for breeding grounds for pests. She discussed the lack of enforcement in Trinity that would be available to check the retention ponds on a regular basis. She also stated this was a concern since this area was located in the headwaters of the Uwharrie River.

With no other discussion, Mayor Andrews called for a motion.

Motion by Council member Meredith to approve the Text Amendments as written, seconded by Council member Labonte, and approved by a 5 to 2 vote with Council members Bridges and Reddick voting Nay.

ITEM 9. Rezoning request #Z06-01CZ, to rezone property located at Collett Farm Rd., further identified as Randolph County tax parcel numbers 6797663725, 6797757381 and 6797653575. Request to rezone property from R-40 and RA (Residential) to RM (Residential Mixed – Conditional Zoning). Property is owned by Gary Lofflin, Colonial Charter and RJM Development.

Mayor Andrews turned discussion of this item over to Attorney Wilhoit.

Attorney Wilhoit advised Council and members of the audience that under the changes in the North Carolina General Statutes protest petitions are no longer applicable to Text Amendments. When a Protest Petition is filed in North Carolina it is required that it be filed 2 normal working days prior to the hearing and you are not allowed to count the day of the hearing. It appears that there is some confusion on that issue and the Protest Petition was filed on Thursday. That Friday was a legal holiday and the Statutes do not allow a legal holiday to count as one of the working days. I think there was some confusion also with the persons filing the petition that lead to the petition being filed late. In light of the fact it appears that the City may have been part of an honest error in addressing when the Petition should have been filed I am recommending that this Board postpone this hearing and reschedule it to another date.

After a brief discussion between Attorney Wilhoit and Council members concerning the wording of the motion needed ***Council member Brown made a motion that this hearing be postponed until the next Regular Council Meeting to allow an opportunity to correct any errors that may have been made by the City of Trinity in reference to the timeliness of when this should be filed by moving the hearing to another date. The motion was seconded by Council member Ewings and approved unanimously by all Council members present.***

Attorney Wilhoit advised members of the audience that a new Protest Petition must be filed since the date of this hearing had been postponed and moved to another date. Attorney Wilhoit advised members of the audience that the Protest Petition did not apply to the Text Amendments. Council has already taken action on these amendments. However, they have not acted on this request and will come up at the next Board Meeting. If there is a desire to have a Protest Petition for this item there will need to be a new Protest Petition filed.

ITEM 10. Rezoning request #Z06-02CZ, to rezone property located at NC Hwy 62 and Unity St., further identified as Randolph County tax parcel number 6797222736. Request to rezone

**property from R-40 (Residential) to HC (Highway Commercial – Conditional Zoning).
Property is owned by Walter Ashe.**

Mayor Andrews opened the Public Hearing and called on the City Planner, Mr. Stumb for comments on this item.

Mr. Stumb advised those present this was request for Conditional Zoning and that this property was currently zoned R-40. The proposed zoning is for Highway Commercial. The conditions that were proposed or requested are as follows:

1. To maintain a 20 foot buffer of existing vegetation around the western and northern portion of this property.
2. No driveway will be allowed along Arden Road.
3. This condition is contingent upon the adjoining property owner. If agreeable they will have the driveway stubbed out to the next adjoining property that were previously zoned Highway Commercial. This will allow access between the lots by car or by walking.

Mr. Stumb discussed map that illustrated the current surrounding properties and reviewed a list of the allowed uses in the proposed Highway Commercial Zoning.

There was discussion between Council and Mr. Stumb concerning the type of lighting proposed. Mr. Stumb advised Council that lighting had not been discussed. He suggested that Council talk to the applicant concerning the lighting when he spoke with them. If the applicant is agreeable then a condition can be added that was similar to what was discussed with both fire departments.

Speaking in Favor of the Request:

Walter Ashe, 4995 Meadowbrook Road: Mr. Ashe stated he had proposed this in an effort to bring something to our community such a strip mall or a small restaurant that will provide additional tax base for our city. I have discussed with Mr. Stumb the possibility of installing a driveway between the two (2) properties to connect them and utilize the connectivity to get from one space to the other without re-entering the street.

Speaking Against the Request:

None

Staff Recommendation: Staff recommends approval of this request with the 3 conditions listed above. If the lighting appears an issue it could be addressed with an additional condition similar to what the fire districts agreed to. Mr. Stumb discussed the possibility of adding something at a later date to our Ordinance that specifically addressed lighting. The Planning/Zoning Board voted on this request at their March 28, 2006 meeting with a 7 to 0 recommendation with 1 member absent.

Mayor Andrews closed the Public Hearing and opened the request to Council for discussion and or action.

There was a brief discussion between Mr. Ashe and Council concerning the addition of a condition to shield the lighting to prevent intrusion into the residential neighborhood. Mr. Ashe advised Council that this was not a problem.

With no other discussion, Council member Bridges made a motion to approve the request with the 3 original conditions as well as the added condition of having lighting so that it does not trespass on the residential properties, seconded by Council member Brown and approved unanimously by all Council members present.

ITEM 11. Rezoning request #Z06-03, to rezone property located at Braxton Craven Rd., further identified as Randolph County tax parcel number 7708710649. Request to rezone property from R-40 (Residential) to HC (Highway Commercial). Property is owned by Walter Ashe.

Mayor Andrews opened the Public Hearing and called for comments from the City Planner, Mr. Stumb.

Mr. Stumb advised Council that this was a similar request from the same property owner. The current zoning for this request is R-40 and the proposed zoning is Highway Commercial. Mr. Stumb reviewed the map with zonings of the surrounding properties and aerial photos of the area. Mr. Stumb advised Council that there was a creek that ran through the property. Anything that is listed in the Permitted Uses Chart will be allowed if this zoning is approved. This request is for a straight rezoning to Highway Commercial and not a Conditional Use.

Speaking For This Request:

Walter Ashe, 4995 Meadowbrook Road: Mr. Ashe discussed his conversation with Mr. Stumb when he requested this rezoning at which time Mr. Stumb recommended this zoning as the best use for this property. He discussed the location of surrounding property that was currently zoned Commercial as well as the location of the school to his property and the property that Braxton Elliott used to mine dirt. Mr. Ashe advised Council that he felt this area would be a good place for a restaurant or strip mall for our community to come to. Mr. Ashe discussed the conversation held at the Planning/Zoning Meeting concerning safety issues and traffic. This property is within 120 feet of two (2) commercial properties (Leach and Wagner and the Trinity Grill). I would like to see this property rezoned and help build a tax basis for our community and give our children a place to go as well.

Speaking Against This Request:

None

Staff Recommendation: Mr. Stumb discussed the concerns that came up at the Planning Board Meeting. These include traffic, especially during specific times of the day (school traffic), and the availability of sewer. This property is located in Phase 4 of the sewer projects with completion several years off and will limit some of the use of the property. Another concern was the stream that is located on the property that could affect the development of this property.

It was Planning/Zoning and staffs recommendation that commercial was not appropriate at this time because of the ability of this to fit in with the general area of residential properties in this area. Staff and Planning Board recommend denial of the Zoning Request. The Planning/Zoning Board voted 4 to 3 to deny this request.

Mayor Andrews closed the Public Hearing and turned this request over to Council for discussion and or action.

There was discussion between Mr. Ashe and Council concerning the size of the property and if the property perked. Mr. Ashe advised Council the property consisted of 4.5 acres and that it did perk. Council members discussed their concerns with the existing traffic flow problems and safety for the children at the schools. Mr. Ashe discussed his feelings concerning the 30 minute time period in the morning or afternoon where traffic flow was a problem due to the schools. Mr. Ashe advised Council that he had checked with the Department of Transportation and found that 3,800 cars that travel this road. He discussed the one fatal accident that happened prior to the installation of the traffic signal located at the railroad tracks. He also advised Council that when you exited his property when looking to the right you can look .2 miles and if you look to the left it is 1 ¼ miles. As far as egress from the property there is no problem and this property has plenty of vision.

Council member Labonte discussed his concerns with the location of this property being close to 2 schools and on the basis on what the staff and Planning/Zoning Board have decided **recommended that this request be denied at this time, seconded by Council member Ewings.**

After discussion, Council member Labonte restated his motion for clarification as follows:

A motion that Council agrees with the Planning/Zoning Committee that denies this request and that we do not allow this zoning to be changed. The restated motion was seconded by Council member Ewings.

Mayor Andrews called for a vote for all that were in favor of denying this rezoning request and in favor of the above motion:

Voting in favor to Deny the Request

Council member Ewings
Council member Labonte
Council member Meredith

Voting in Opposition of the Motion to Deny

Council member Bridges
Council member Brown
Council member Reddick
Council member Talbert

Unfinished Business

None

New Business

ITEM 12. Funding Request – Randolph County Economic Development Corporation

After Mayor Andrews' opening Manager Bailie advised Council that Ms. Renfro had presented the annual report of the RCEDC earlier in the year. I have included in your Agenda a letter submitted by Ms. Renfro requesting funding of the RCEDC in the amount of \$2,500.00 for fiscal year 2006-2007. This is the same amount as approved by Council last year.

Council member Bridges made a motion to fund the RCEDC for the amount of their request of \$2,500.00 and that it go with the budget year, seconded by Council member Talbert and approved unanimously by all Council members.

ITEM 13. Award Construction Contract for Darr. Rd. Sewer Project

Mayor Andrews opened this item and turned discussion over to Mr. Randy McNeill, Davis Martin, Powell and Associates.

Mr. McNeill advised Council that the bids for this project were received, opened, and the totals read aloud on April 13, 2006. The low bidder was Terry's Plumbing & Utilities Inc. with a bid of \$1, 179,620.00. Mr. McNeill discussed the increase of the overall cost of the projects continuing rising gasoline prices and demands and utilizations on these types of construction materials to rebuild post Katrina damaged areas to the project increases. Even though the prices are considerably higher we believe they are reasonable for the work that will be done on this project and recommend that you consider awarding the contract to Terry's Plumbing.

Mr. McNeill discussed the overall costs summary included for this project. We summarized the construction costs as bid, technical service cost, cost to administer the grant by CMR, right of ways, easements, and properties are still being acquired and the increased costs that may be associated with acquisition of these properties. One of these properties will be the site for the pump station location. I have added some costs to the project for this and added 5% for construction contingency resulting in and overall project budget of 1.54 million dollars. Mr. McNeill discussed potential revenue sources for this project, the largest being the CDBG Grant in the amount of \$750,000.00, and \$33,000.00 from homes that will have taps installed that are not eligible for grant assistance. The will generate approximately \$33,000.00 in revenue. The City must extend Darr Road from the end of the Department of Transportation maintenance area to the pump station site. We plan for this to be a purchased right of way and will make this a city street. We recommend paving this street. This will allow the city to use approximately \$70,000.00 from Powell Bill funds. This will leave a total cost to the city of approximately \$687,000.00 some of which the city has already expended leaving a total of \$550,000.00 to be funded by the City.

The deadline date to meet Grant eligibility is March 07, 2007. The city must have expended the \$750,000.00 awarded for this project by that date or ask for an extension. The project has a 7 month completion period that is more than adequate for project completion.

Council member Talbert asked if the excess monies would be taken from the bond revenues. Manager Bailie advised members the city portion for this project would be taken from Fund Balance. There was further discussion concerning the original cost of the project of \$750,000 (Grant) + \$410,000.00 City Funds totaling \$1,160,000.00.

After further discussion, Council member Talbert made a motion award the contract to Terry's Plumbing, seconded by Council member Labonte and approved unanimously by all Council members present.

ITEM 14. Deadline To Pay Discount Tap Fees - Phase 2 Sewer Project

Mayor Andrews opened this item and turned discussion over to Manager Bailie.

Manager Bailie advised Council the recommended the following deadlines for payment of Phase 2 sewer taps. Setting the deadlines will allow staff to send out letters setting these specific deadlines.

06/01/2006 undeveloped property

06/01/2007 property with homes

Motion to approve the recommended deadlines by Council member Meredith, seconded by Council member Ewings and approved unanimously by all Council members present.

ITEM 15. CLOSED SESSION Pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area.

Prior to going into Closed Session, Attorney Wilhoit asked that the Agenda be amended in order for the City Attorney to update Council on pending litigation. The Agenda needs to be amended to allow consultation with the City Attorney Pursuant to NCGS 143-318.11 (a) (3).

Mayor Andrews called for a motion to amend the Agenda to include Consultation with the Attorney Pursuant to NCGS 143-318.11 (a) (3).

Motion by Council member Meredith to amend the Agenda per Attorney Wilhoit and Pursuant to NCGS 143-318.11 (a) (3), seconded by Council member Brown and approved unanimously by all Council members present.

Mayor Andrews called for a motion to go into Closed Session Pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area and to allow consultation with the City Attorney Pursuant to NCGS 143-318.11 (a) (3).

Motion by Council member Talbert to go into Closed Session, seconded by Council member Brown and approved unanimously by all Council members present.

After discussion during Closed Session, ***Motion by Council member Reddick to return to Open Session, seconded by Council member Brown and approved unanimously by all Council members present.***

Business and Closing Comments from Mayor and Council

Business from Council

Council members commented on the number of letters they had received from citizens in regards to items that were pending consideration and Council action.

Business from Mayor

Mayor Andrews advised Council that the City of Trinity was going to have a Parade for the 4th of July celebration.

Business from City Manager

Item # 11

Manager Bailie discussed with Attorney Wilhoit the prior motion concerning Item 11 and the original motion to deny the request that had failed. Does this automatically mean that the rezoning request passed or is another motion needed to approve the request? Attorney Wilhoit advised Mayor and Council it was his opinion that another motion to approve was needed but that he would research this matter further and advise Manager Bailie and Mr. Stumb of his findings so that the applicant could be advised of the findings.

Trinity at the Crossroads

Manager Bailie discussed the many changes that were facing Trinity and that the Public Hearings tonight were indicative of things to come. The purpose Trinity at the Crossroads is to increase everyone's awareness about growth and development issues. She advised Council that she had distributed to Council members pictures from last month's slide show as well as other articles that went along with this.

Joint Meeting

Manager Bailie advised Council there was a Joint Land Development Plan scheduled for Thursday, May 11, 2006 for City Council, Planning/Zoning Board, and the Land Development Committee for the purpose of reviewing the Draft Plan. The Land Dev. Committee worked on the map at the last meeting and we have copies of the report that you will review as well. There will be a city-wide meeting on June 08, 2006 from 7:00 to 9:00 here at this location. The community will be invited to look at the report and plan and make their comments. Following that meeting and final review by the Committee a proposal will be generated for the Planning/Zoning Board and then to Council for final review and approval.

City Haul

To be held the first 2 weekends of May on Thursday, Friday, and Saturday.

May 4-6, 2006

May 11-13, 2006

Thoroughfare Overlay

Manager Bailie asked that Council make corrections and suggestions to this document that was passed out at the April 11, 2006 Pre-Agenda and return to her so that she could compile the information and discuss the changes at the May Pre-Agenda.

Budget Amendment

Manager Bailie advised Council that she moved \$200.00 on March 31 from Governmental Buildings Capital Outlay to Governmental Buildings Supplies Other. This was done to pay for the new flags for City Hall.

Notebooks

There was a brief discussion concerning Council's desire to continue with the binders and their need for additional binders.

Adjournment

With no other business to discuss, Mayor Andrews called for a motion to adjourn the April 18, 2006 Regular City Council Meeting at 10:00 p.m.

Motion by Council member Ewings to adjourn the April 18, 2006 Regular City Council Meeting, seconded by Council member Meredith, and approved unanimously by all Council members present.

These minutes were approved as written by the Trinity City Council at their Regularly Scheduled Meeting on May 16, 2006 upon motion by Council member Lambeth, seconded by Council member Bridges and approved unanimously by all Council members present.

Fran Andrews, Mayor

Debbie Hinson, City Clerk

Date

Date